

**Dissenting Views
For H.R. 4679
“The Lifetime Consequences For Sex Offenders Act”**

By allowing a judge to impose lifetime supervision for any federal sex offense, H.R. 4679 would allow what is, in effect, a life sentence for misdemeanors and consensual sexual crimes between consenting adults, as well as such crimes as “touching” between high school students. Perhaps, some sex crimes warrant lifetime supervision of offenders, but without requiring any guidelines or reviews, we are unnecessarily subjecting misdemeanants and other minor offenders to life sentences.

Proponents of the bill suggest that it is ok to provide for lifetime supervision of all offenses, regardless of the circumstances, because judges will use their discretion to avoid putting minor offenders under such supervision. However, in the overzealous context of indiscriminately ferreting out sex offenders for harsher treatment, there are likely to be judges who, like the lawmakers promoting such policies, prefer to ere on the side of harsh treatment to avoid the possible criticism that they were not as tough as they could have been, should an offender recidivate.

For many of the crimes covered under this provision, lifetime supervision will be a lot more about enforcing conditions of supervision than about preventing additional sex offenses. Offenders will be in and out of prison not for new or attempted sexual offenses, but for violations of the conditions of supervision. This is not only unfair to what may be a very minor offender, but a waste of taxpayer resources.

The provision is rife with the prospects for unfairness in its application for another reason, as well. Sentencing Commission data reflects that when we pass federal laws such as this since they only apply in federal jurisdiction, about 80% of those affected will be Native Americans on reservations. It is unfair for an offenders in the same state to face vastly differing harshness in treatment for the same offense simply because of where the crime is committed. At Committee markup of the bill, Rep. Scott offered amendments aimed at removing misdemeanor and consensual crimes from the prospects of life sentences, but the amendments were not accepted.

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